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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,638	11/29/2001	Gianni Mancini	07040.0111	1683

7590 12/18/2003

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, DC 20005-3315

EXAMINER
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KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/995,638

Applicant(s)

MANCINI ET AL.

Examiner

Geoffrey L. Knable

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 23-44 is/are pending in the application.
- 4a) Of the above claim(s) 29-35, 39, 40, 43 and 44 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-28, 36-38, 41 and 42 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

1. Applicant's election with traverse of group I, claims 1, 23-28, 36-38, 41 and 42 in Paper No. 6 is acknowledged. The traversal is on the ground(s) that the search and examination can be made without serious burden, particularly as all claims are classified in claim 156. This is not found persuasive because as noted in the last office action, the apparatus as claimed can be used to practice other methods, this necessitating significant additional and different search and examination considerations and thereby presenting a serious burden.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 29-35, 39, 40, 43 and 44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear how claim 1 substantively differs from claim 23. Although they are worded slightly differently, there does not appear to be any substantive difference. If so, it should be cancelled. If it is believed to define a different scope, clarification is required of exactly how this claim substantively differs from claim 23.

4. Claims 23-28, 36-38, 41 and 42 are allowed.

Among the closest prior art, Abbott, Jr. (US 1,961,725) discloses a process of building a tire in which a ply material with bias cords therein is longitudinally cut to form

two strips (e.g. 77 and 78 in fig. 2) which are then assembled. In this reference, however, the two strips are assembled with the cords in the same orientation as before they were cut. Oppositely directed cord plies are included by splitting a *second* bias strip into two other strips (e.g. 75, 76) which are assembled with/between the first strips. This reference would thus not teach or render obvious superposing the two strips cut from the same original belt assembly with cords oriented in opposite directions as claimed. Further, the strips are apparently carcass rather than belt strips and they are not superposed on a drum as claimed.

Haren (US 1,452,379 - note esp. fig. 2) and Harsel (US 1,406,855 - note strips 59) are other examples of splitting and then assembling tire fabrics but there is no opposite reorientation before assembly. These references would thus not teach or render obvious superposing the two strips with cords oriented in opposite directions as claimed. Further, the strips are apparently not belt strips and they are not superposed on a drum as claimed.

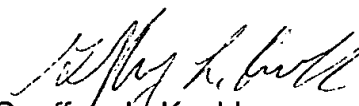
Maney (US 1,960,822) and Tourtellotte et al. (US 3,071,179 - see col. 3, lines 1-20 and figs. 1-2) each teach methods of applying successive plies with bias cords therein on a drum with the cords being oppositely oriented in the successive plies by reversing the direction of drum rotation/application position. These references however supply the same bias strip to the drum for each ply rather than longitudinally cutting the strip into two continuous strips which are continuously supplied and superposed on a drum to have an opposite orientation as claimed. Further, these references are directed to forming tire carcasses rather than tire belts.

Thus, although it is known to split and continuously assemble tire fabrics (although not belt strips, not on a drum, and not with opposite cord angles) and further, but separately, it is known to form oppositely angled plies from a single bias strip on a drum (although not tire belts and not using strips previously longitudinally cut), there is no reasonable teaching or suggestion to form a tire belt structure by continuously longitudinally cutting a belt assembly with bias cords into two substantially continuous portions which are supplied in a substantially continuous manner to at least one assembly drum where they are superposed such that the cords are oppositely inclined as claimed. None of the closest prior art, then, whether taken singly or in combination, would teach or render obvious a method of producing a belt assembly as claimed.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
December 13, 2003